

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RANDELL HAMPTON,

Plaintiff,

VS.

HENRY PERKINS,

Defendant.

Civil Action Number
2:06-CV-400-MHT

DEFENDANT'S REQUESTED JURY CHARGE NO. 4

The appropriate standard to apply in an Eighth Amendment case is a “subjective recklessness” standard. A prison official cannot be found liable unless the official knows of and disregards an excessive risk to inmate health or safety; the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference. It is not enough merely to find that a reasonable person would have known or that the defendant should have known.

Source: **Farmer v. Brennan**, ___ U.S. ___, 114 S.Ct. 1970, 1978
128 L.Ed.2d 811 (1994)

Given

Refused

United States District Judge